

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CR-04-1BO

FILED IN OPEN COURT
ON 3/5/2020 STS
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA

vs.

RAUL AYALA, JR.

SECOND SUPERSEDING
INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Production of Child Pornography)

Beginning on or about November 19, 2016, and continuing to on or about May 31, 2018, in the Eastern District of North Carolina and elsewhere, the defendant, RAUL AYALA, JR., did knowingly employ, use, persuade, induce, entice and coerce, and did knowingly attempt to employ, use, persuade, induce, entice and coerce, a minor, Minor-1, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct. The visual depictions were actually transported and transmitted using any means and facility of interstate or foreign commerce, and in or affecting interstate or foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

[Remainder of page intentionally left blank]

COUNT TWO

(Production of Child Pornography)

Beginning on or about June 16, 2017, and continuing to on or about May 31, 2018, in the Eastern District of North Carolina and elsewhere, the defendant, RAUL AYALA, JR., did knowingly employ, use, persuade, induce, entice and coerce, and did knowingly attempt to employ, use, persuade, induce, entice and coerce, a minor, Minor-1, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct. The visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT THREE

(Possession of Child Pornography)

From a date unknown, but beginning by at least on or about June 16, 2017, and continuing to on or about May 31, 2018, in the Eastern District of North Carolina and elsewhere, RAUL AYALA, JR., the defendant herein, did knowingly possess at least one matter which contains any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce, and that was produced using materials which had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction

was of such conduct; to wit: videos and still images depicting minors and prepubescent children who had not attained 12 years of age engaging in sexually explicit conduct including but not limited to actual and simulated oral, vaginal, and anal intercourse, masturbation, and the lascivious exhibition of the genitals and pubic area, all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

[Remainder of page intentionally left blank]

FORFEITURE NOTICE

The named defendant is hereby given notice that all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of one or more of the offenses set forth in Counts One through Three above, RAUL AYALA, JR., the defendant herein, shall forfeit to the United State, pursuant to Title 18, United States Code, 2253(a):

(1) any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of the offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of said offense(s) or any property traceable to such property.

The forfeitable property includes, but is not limited to:


1. HGST T57SAF-100 (S/N:6P070RXE), 1TB Hard Disk Drive;
2. Western Digital WD3200 (S/N:WX61A4324011), 320GB Hard Disk Drive;
3. Western Digital Scorpio Black (S/N:WXXIA5054372), 250GB Hard Disk Drive;
4. Seagate Barracuda(S/N:5JV8EQMS), 80GB Hard Disk Drive;
5. Western Digital WD10EZEX (S/N:WCC6Y4ZVSOUK), 1TB Hard Disk Drive;
6. Seagate Momentous (S/N:5NH0ZFP1), 80GB Hard Disk Drive;
7. Western Digital WD3200BEKX (S/N:WXB1A344892), 320GB Hard Disk Drive;
8. Dell Inspiron 15 Laptop (S/N:3RG9712) with Western Digital WD10JPVX (S/N:WX41A64DKH6S), 1TB Hard Disk Drive;

If any of the above-described forfeitable property, as a result of any act or omission of the defendant --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 853(p), through 18 U.S.C. Sections 2253 or 1467, whichever may be applicable, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL


Foreperson

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

Date:

3-5-2020

ROBERT J. HIGDON, JR.
United States Attorney



BY: CHARITY L. WILSON
Assistant United States Attorney